

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

JEFFREY BROWN,)	
)	
Plaintiff,)	CASE NO.
)	
v.)	
)	
DEPUTY KYLE HARTMAN, DET.)	
SHAUN DUNAFIN, WANDA)	
TRUELOVE,)	
)	
Defendant.)	

COMPLAINT

Comes now Plaintiff Jeffrey Brown, by counsel, and alleges the following against the Defendants:

1. The Plaintiff is Jeffrey Brown, a resident of the Kendallville, Indiana. At all material times to this Complaint, the Plaintiff was living in the Noble County.
2. The Defendants include Noble County Deputy Kyle Hartman, Noble County Detective Shaun Dunafin, and Wanda Truelove (a clerk in charge of registering sex offenders), who are named in their individual capacity pursuant to 42 U.S.C. § 1983. At all material times to this Complaint, the Defendant was acting within the scope of their employment and under color of law.
3. On or about February 19, 2009, Plaintiff was directed by an unknown person in the Indiana Department of Corrections to register as a Sex Offender in Noble County, Indiana.
4. Plaintiff complied and registered as a directed on or about February 20, 2009 with Wanda Truelove.
5. In reality, Plaintiff never needed to register.

6. Between February and June 2009, Plaintiff changed his residence and requested that Wanda Truelove give him a 30-day extension on registration. Defendant Truelove granted the extension.
7. During the extension period, but before Plaintiff registered again, Plaintiff was incarcerated on an unrelated charge. During Plaintiff's incarceration, Detective Shaun Dunafin investigated possible charges surrounding Plaintiff's failure to register.
8. Detective Dunafin concluded that Plaintiff had failed to register and recommended prosecution.
9. On or about June 16, 2009 Plaintiff was charged with three (3) counts of Failure to Register as a Sex Offender to which Plaintiff plead guilty. An employee of the Noble County Clerk's office initiated the charges to prosecute Mr. Brown.
10. Plaintiff was released from incarceration in 2012.
11. On or about Jun 16, 2015, the Defendant Kyle Hartman subjected the Plaintiff to false arrest and false imprisonment, in violation of the Plaintiff's right to be free from unreasonable seizure under the Fourth Amendment to the United States Constitution and 42 U.S.C. §1983, and the laws and public policies of the State of Indiana.
12. On or about August 26, 2015, Officer Hartman filed a Field Case Report that stated that Mr. Brown had not registered as a Sex or Violent Offender.
13. Subsequently, on or about September 1, 2015, Plaintiff was charged with four (4) counts of Failure to Register as a Sex Offender to which Plaintiff plead guilty. These charges were initiated by the Noble County Clerk's Office and prosecuted by Prosecutor Kelly Morris.
14. On or about March 3, 2016 after reviewing the facts and applicable law, a judge with the Noble County Circuit Court ruled that Plaintiff was not required to register as a Sex

Offender. The judge found that there was neither a factual nor legal basis for the guilty pleas entered by Plaintiff, all charges brought against Plaintiff were subsequently dismissed.

15. It was clearly established law at the time of the initiation of the charges and the detention and arrest of the Plaintiff that the Plaintiff was not required to register as a Sex Offender.

The initiation, investigation, and perpetuation of Plaintiff's charges by Kyle Hartman, Shaun Dunafin, Wanda Truelove, and others were based on *ex post facto* prosecution.

16. The Defendant Officer Hartman subjected Plaintiff to false arrest/false imprisonment, in violation of Plaintiff's right to be free from unreasonable seizure under the Fourth amendment to the United States Constitution, 42 U.S.C. § 1983 and the laws and public policies of the State of Indiana.

17. As a result of the unlawful arrest and detention of the Plaintiff, Plaintiff was subjected to a wrongful loss of freedom and liberty, inconvenience, malicious prosecution under the 14th Amendment to the Constitution, an accrual of attorney fees and costs, emotional distress, and other damages and injuries.

18. The complained of conduct of the Defendants was intentional, knowing, willful, wanton, and in reckless disregard of the Plaintiff's federally protected rights under § 1983, and his rights under the laws and public policies of the State of Indiana. Plaintiff is entitled to receive punitive damages (where available).

WHEREFORE, Plaintiff respectfully requests judgment against the Defendants, and each of them, for compensatory damages, punitive damages (where available), reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

/s/Skyler Spurling-Newsome
Christopher C. Myers, #10043-02
Skyler Spurling-Newsome, #33833-02
809 South Calhoun Street, Suite 400
Fort Wayne, IN 46802
Telephone: (260) 424-0600
Facsimile: (260) 424-0712
Attorneys for Plaintiff